No. 17-1091

IN THE
Supreme Court of the United States

TYSON TIMBS AND A 2012 LAND ROVER LR2,
Petitioners,

v.

STATE OF INDIANA,
Respondent.

On Writ Of Certiorari
To The Indiana Supreme Court

BRIEF OF AMICI CURIAE JUVENILE LAW CENTER AND FORTY OTHER ORGANIZATIONS IN SUPPORT OF PETITIONERS

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TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTEREST OF AMICI 1

SUMMARY OF ARGUMENT 2

ARGUMENT 3

I. YOUTH ARE EXPOSED TO EXCESSIVE FINES IN STATE JUVENILE COURTS ACROSS THE COUNTRY 4

A. Every State Juvenile Justice System Authorizes Fines 4

B. Young People Encounter Excessive Fines Almost Exclusively In State Court Proceedings 7

C. States Inappropriately Rely On Fines To Generate Revenue 8

II. YOUTH ARE UNIQUELY VULNERABLE TO HARM FROM FINES ... 10

A. Children Cannot Pay Fines 11

B. Juvenile Justice Fines Lead To Increased System Involvement And Incarceration 14

C. Juvenile Justice Fines Lead To Increased Recidivism 16

D. Juvenile Justice Fines Punish Families 17

E. Juvenile Justice Fines Aggravate The Racial And Economic Disparities In The Juvenile Justice System 19

F. The Retributive Effects Of Juvenile Justice Fines Follow Young People Into Adulthood 20

CONCLUSION 21

APPENDIX A: STATEMENTS OF INTEREST OF AMICI CURIAE 1A

APPENDIX B: MONETARY PENALTIES LABLED AS FINES 21A

APPENDIX C: PROBATION FEES 26A

APPENDIX D: INCARCERATION FEES 29A

TABLE OF AUTHORITIES

Page(s)

Cases

Austin v. United States,
509 U.S. 602 (1993) 4

Bearden v. Georgia,
461 U.S. 660 (1983) 19

Graham v. Florida,
560 U.S. 48 (2010) 11

Griffin v. Illinois,
351 U.S. 12 (1956) 19

Harmelin v. Michigan,
501 U.S. 957 (1991) 8, 9

Miller v. Alabama,
567 U.S. 460 (2012) 11

Rivera v. Orange County Probation Dep't (In re Rivera),
832 F.3d 1103 (Bankr. 9th Cir. 2016) 10

Roper v. Simmons,
543 U.S. 551 (2005) 11, 21

Tate v. Short,
401 U.S. 395 (1971) 19

Thompson v. City of Louisville,
362 U.S. 199 (1960) 17

United States v. Bajakajian,
524 U.S. 321 (1998) 11

Williams v. Illinois,
399 U.S. 235 (1970) 19

Statutes

18 U.S.C.A. § 5001 (1988) 7

18 U.S.C.A. § 5032 (1996) 7

ALA. CODE § 12-15-101 (2008) 18

ALA. CODE § 12-15-117 (2012) 15, 20

ARIZ. REV. STAT. ANN. § 8-341 (2018) 5

ARIZ. REV. STAT. ANN. § 8-349 (2002) 21

CAL. WELF. & INST. CODE § 730.5 (West 1988) 5

COLO. REV. STAT. ANN. § 19-2-925 (West 2018) 6, 14

COLO. REV. STAT. ANN. § 24-4.2-104 (West 2014) 6, 14

CONN. GEN. STAT. ANN. § 46b-141c (West 2018) 6

DEL. CODE ANN. tit. 10, § 1009A (West 2006) 5

FLA. STAT. ANN. § 806.13 (West 2002) 5

FLA. STAT. ANN. § 938.29 (West 2010) 20

FLA. STAT. ANN. § 985.039 (West 2014) 6

FLA. STAT. ANN. § 985.0301 (West 2015) 20

FLA. STAT. ANN. § 985.514 (West 2017) 6

GA. CODE ANN. § 15-11-37 (West 2014) 6

GA. CODE ANN. § 15-11-601 (West 2017) 5

GA. CODE ANN. § 15-11-630 (West 2015) 5

IDAHO CODE ANN. § 20-549 (West 2015) 5

KAN. STAT. ANN. § 38-2312 (West 2018) 21

KAN. STAT. ANN. § 38-2361 (West 2017) 5

KY. REV. STAT. ANN. § 610.180 (West 1988) 4, 6

MASS. GEN. LAWS ANN. ch. 211D, § 2A (West 2018) 20

ME. REV. STAT. Ann. tit. 15, § 3314 (2018) 15, 20

MICH. COMP. LAWS ANN. § 712A.18 (West 2018) 5

MINN. STAT. ANN. § 260B.331 (West 2013) 20

MO. ANN. STAT. § 211.185 (West 1995) 20

N.C. GEN. STAT. ANN. § 7B-2506 (West 2017) 5

N.J. STAT. ANN. § 2A:4A-43 (West 2012) 5

N.J. STAT. ANN. § 2A:158A-17 (West 2013) 20

N.M. STAT. ANN. § 32A-2-19 (West 2009) 5

NEV. REV. STAT. ANN. § 62A.360 (West 2004) 18

OHIO REV. CODE ANN. § 2152.20 (West 2017) 5

OKLA. STAT. ANN. tit. 10A, § 2-2-104 (West 2013) 15

OKLA. STAT. ANN. tit. 10A, § 2-2-503 (West 2016) 5

OKLA. STAT. ANN. tit. 10A, § 2-7-504 (West 2017) 15, 20

OR. REV. STAT. ANN. § 419C.459 (West 2012) 5

42 PA. STAT. AND CONS. STAT. ANN. § 6301 (West 2012) 18

S.D. CODIFIED LAWS 26-8C-7 (2016) 6

S.D. CODIFIED LAWS § 26-7A-32 (2002) 20

TENN. CODE ANN. § 40-24-105 (West 2018) 20

TEX. FAM. CODE ANN. § 51.01 (West 1996) 19

WASH. REV. CODE ANN.§ 13.40.200 (West 2004) 15

WASH. REV. CODE ANN. § 13.40.300 (West 2018) 20

WIS. STAT. ANN. § 938.34 (West 2018) 5

WYO. STAT. ANN. § 14-6-247 (West 2013) 5

Other Authorities

29 C.F.R. § 570.2 (2012) 12

Alex R. Piquero & Wesley G. Jennings, *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE & JUV. JUST. 1, 1 (2016), *available at* https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-criminology-study-2016.pdf 16, 19, 20

Alex R. Piquero, *Disproportionate Minority Contact*, 18 JUV. JUST. 59 (2008) 19

Andrew Soergel, *Why Teens are Getting Shut out of the Workforce: They're Seeing Increased Competition, But That's Not the Only Reason*, U.S. NEWS & WORLD REP. (Mar. 26, 2015), http://www.usnews.com/news/blogs/data-mine/2015/03/26/studies-suggest-teens-getting-shut-out-of-workforce 12

ANDREW SUM ET AL., THE DISMAL STATE OF THE NATION'S TEEN SUMMER JOB MARKET, 2008-2012, AND THE EMPLOYMENT OUTLOOK FOR THE SUMMER OF 2013 4 (2013), https://repository.library.northeastern.edu/downloads/neu:m0406v58n?datastream_id=content 13

BERKELEY LAW POLICY ADVOCACY CLINIC, HIGH PAIN, NO GAIN: HOW JUVENILE ADMINISTRATIVE FEES HARM LOW-INCOME FAMILIES IN ALAMEDA COUNTY, CALIFORNIA 12 (2016), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2738710 ..... 9, 19

Career Builder, The Changing Face of U.S. Jobs: Composition of Occupations by Gender, Race, and Age from 2001-2004 13 (2015), *available at* http://careerbuilder-communications.com/pdf/changing-face-of-us-jobs.pdf 12

CHILD TRENDS DATA BANK, YOUTH EMPLOYMENT: INDICATORS ON CHILDREN AND YOUTH 2 (2015), *available at* http://www.childtrends.org/wp-content/uploads/2012/05/120_Youth_Employment.pdf 13, 14

Eli Hager, *Your Kid Goes to Jail, You Get the Bill*, THE MARSHALL PROJECT, (Mar. 2, 2017), https://www.themarshallproject.org/2017/03/02/your-kid-goes-to-jail-you-get-the-bill?ref=collectionsa 6, 18

Erick Eckholm, *Court Costs Entrap Nonwhite, Poor Juvenile Offenders*, THE NEW YORK TIMES (Aug. 31, 2016), https://www.nytimes.com/2016/09/01/us/court-costs-entrap-nonwhite-poor-juvenile-offenders.html 14, 15

Erin B. Logan, *Courts in Most States Charge Juveniles to Exist Inside the Justice System. This Movement Wants to Change That*, WASHINGTON POST (August 10, 2018), https://www.washingtonpost.com/news/post-nation/wp/2018/08/10/courts-in-most-states-charge-juveniles-to-exist-inside-the-justice-system-this-movement-wants-to-change-that/?noredirect=on&utm_term=.8e135345c1e2 18

JESSICA FEIERMAN ET AL., DEBTORS' PRISON FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE JUSTICE SYSTEM i, App. A (2016) ..... *passim*

JP MORGAN CHASE & CO., BUILDING SKILLS THROUGH SUMMER JOBS: LESSONS FROM THE FIELD 4 (2015), https://www.jpmorganchase.com/corporate/Corporate-Responsibility/document/54887-jpmc-summeryouth-aw2.pdf 12

Michelle S. Phelps, *The Paradox of Probation: Community Supervision in the Age of Mass Incarceration*, 35 LAW & POLICY 51 (2013) 14

THE NAT'L CTR. FOR JUV. JUSTICE & THE OFFICE OF JUV. JUSTICE AND DELINQ. PREVENTION, JUVENILE COURT STATISTICS 2015 6 (2018), *available at* https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2015.pdf 7

National Center for Education Statistics; Table 5.1: Compulsory School Attendance Laws, Minimum and Maximum Age Limits for Required Free Education, by State: 2017, https://nces.ed.gov/programs/statereform/tab5_1.asp (last visited Sept. 7, 2018) 12

Richard S. Frase, *Limiting Excessive Prison Sentences under Federal and State Constitutions*, 11 U. PA. J. CONST. L. 39 (2008) 8

RIYA SAHA SHAH & JEAN STROUT, FUTURE INTERRUPTED: THE COLLATERAL DAMAGE CAUSED BY PROLIFERATION OF JUVENILE RECORDS 9-11 (2016), *available at* http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf 21

Semantha Melamed, *Philly Locks Up Kids for Truancy, Fighting – Then Goes After Parents for Child Support,* PHILADELPHIA INQUIRER (October 17, 2016), http://www.philly.com/philly/news/Philly s-working-poor-child-support-debtors-prison.html?arc404=true 13

STEPHANIE CAMPOS-BUI ET AL., MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA 19-22 (2017), *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2937534 ..... 17, 18

Teresa Wiltz, *Movement Against Juvenile Court Fees Runs Into Resistance*, HUFFINGTON POST, (Jan. 17, 2018), https://www.huffingtonpost.com/entry/movement-against-juvenile-court-fees-runs-into-resistance_us_5a5f6c2fe4b0c40b3e5975fd 9

U.S. DEP'T OF JUSTICE, RESOURCE GUIDE: REFORMING THE ASSESSMENT AND ENFORCEMENT OF FINES AND FEES 2 (2016), *available at* http://ojp.gov/docs/finesfeesresguide.pdf 9

U.S. Dept. Labor, Fact Sheet # 43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations (2016), https://www.dol.gov/whd/regs/compliance/whdfs43.pdf 12

UNITED STATES SENTENCING COMM'N, YOUTHFUL OFFENDERS IN THE FEDERAL SYSTEM 15 (2017), *available at* https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170525_youthful-offenders.pdf 7

INTEREST OF AMICI[1]

The organizations submitting this brief work on behalf of youth who have been involved with the juvenile and criminal justice systems. *Amici* support young people through litigation, direct representation, policy advocacy, education, and training. *Amici* also work to stem the punitive effects of juvenile justice system involvement and to promote rehabilitation and reintegration of young people who have experience with the justice system. To inform their advocacy and their position in this brief, *Amici* have considered research on adolescent development and legal principles that recognize the distinct attributes of youth, as well as their own experiences working directly with young people.

Amici share a deep concern that the economic consequences of juvenile justice system involvement will follow them for the rest of their lives, setting them up for future failure. For this reason, *Amici* join together to educate this Court about the punitive effects of juvenile justice fines, to clarify why imposing financial obligation on court-involved youth is uniquely harmful to young people and their families, and to explain how its decision in this matter will impact justice-involved youth across the country.

See Appendix A for a list and brief description of all *Amici*.

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[1] Pursuant to Rule 37.2 counsel of record received timely notice of the intent to file this brief. Written consent of all parties has been provided. Pursuant to Rule 37.6, no counsel for a party authored this brief in whole or in part. No person or entity, other than *Amici*, their members, or their counsel made a monetary contribution for the preparation or submission of this brief.

SUMMARY OF ARGUMENT

This case will have broad and serious implications not only for adults in criminal court, but also for thousands of young people across the country facing fines and fees in the juvenile justice system.

The purpose of the Eighth Amendment is to guard against government abuses in the imposition of punishment. *Austin v. United States*, 509 U.S. 602, 609-10 (1993).

A state court's power to impose economic sanctions squarely implicates the concern with potential for governmental abuse of its power to "extract payments" embodied by the Eighth Amendment. *Id.* at 609-10. As Petitioner argues, the constitutional prohibition on excessive fines "is fundamental to our scheme of ordered liberty" such that it should be applied to the states. (Pet. Cert. 22 (citing *McDonald v. City of Chicago*, 561 U.S. 742, 767 (2010))).

Amici write separately to underscore that children across the country will also be at risk of serious harm and disproportionate penalties if the Excessive Fines Clause is not incorporated against the states. Juvenile justice fines are widespread, imposed against children and their families in all 50 states. They include traditional monetary sanctions or fines, imposed solely as punishment for a young person's conduct, as well as penalties that ostensibly serve a remedial purpose, at least in part. Regardless of their form, juvenile justice fines can have devastating consequences for children and their families, including deprivation of liberty, interference with family property, and infringement on family unity. The impact is felt by children, as well as their parents,

siblings, and family members—who lack any culpability for the underlying offense.

The harsh effects of juvenile justice fines are at odds with this Court's recognition of young people's diminished culpability. Despite extensive jurisprudence reflecting this Court's acknowledgment that youth's immaturity may lead to impulsive behavior that is inherently less blameworthy than conduct attributed to an adult, *see, e.g.*, *Roper v. Simmons*, 543 U.S. 551, 569-70 (2005), young people face these fines at all stages of the juvenile justice system.

Yet without a constitutional prohibition on disproportionately harsh punishments, states have little motive to reel in juvenile justice fines. The state courts that in some cases may have discretion to temper the harshness of monetary sanctions benefit directly from juvenile justice fines. This scenario is precisely what the federal Excessive Fines Clause aims to prevent.

Against this backdrop, *Amici* respectfully urge this Court to incorporate the Excessive Fines Clause of the Eighth Amendment against the states to secure the fundamental right to be free of excessive punishment.

ARGUMENT

The incorporation of the Excessive Fines Clause against the states is desperately needed to protect young people and their families from the harsh consequences of juvenile justice fines and fees. Every state juvenile justice system imposes financial sanctions that can cause economic hardship, further justice system involvement, family stress, and

increased recidivism. Juvenile justice system fines are particularly harmful not only because of these negative consequences, but also because they target a population that is uniquely unable to pay because of their status as minors.

I. YOUTH ARE EXPOSED TO EXCESSIVE FINES IN STATE JUVENILE COURTS ACROSS THE COUNTRY

A. Every State Juvenile Justice System Authorizes Fines

Every state authorizes juvenile courts to impose financial obligations on youth—and sometimes their family members—when a child is accused or adjudicated of delinquent behavior. *See generally* JESSICA FEIERMAN ET AL., DEBTORS' PRISON FOR KIDS? THE HIGH COST OF FINES AND FEES IN THE JUVENILE JUSTICE SYSTEM i, App. A (2016) [hereinafter DEBTORS' PRISON FOR KIDS]. This includes explicit provisions authorizing fines in forty-two states, as well as a host of other monetary penalties that also qualify as fines for Eighth Amendment purposes.[2]

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[2] An argument that all juvenile court-imposed financial obligations merit Eighth Amendment scrutiny is beyond the scope of this brief, but it is worth noting that many juvenile monetary penalties are fines under the Eighth Amendment because they are punitive in part. *See Austin v. United States*, 509 U.S. 602, 609-10 (1993). The punitive intent of many juvenile justice fines is clear on their face. *See, e.g.*, KY. REV. STAT. ANN. § 610.180 (West 1988). In other instances, their history demonstrates the legislative intent to punish. *See infra* § II.A. The consequences of failing to pay any juvenile

Although youth in the juvenile justice system are typically too young to work or legally restricted from establishing any real earning capacity,[3] forty-two states explicitly authorize assessment of fines against youth found delinquent in the juvenile justice system. (*See* App. B: Monetary Penalties Labeled As Fines 21A-25A.) Indeed, some states authorize fines no different from those imposed on adults in the criminal justice system. *See, e.g.*, CAL. WELF. & INST. CODE § 730.5 (West 1988); DEL. CODE ANN. tit. 10, § 1009A (West 2006); GA. CODE ANN. §§ 15-11-601(a)(8) (West 2017), 15-11-630(g)(4) (West 2015); MICH. COMP. LAWS ANN. § 712A.18(1)(j) (West 2018); N.J. STAT. ANN. § 2A:4A-43(b)(8) (West 2012); N.M. STAT. ANN. § 32A-2-19(B) (West 2009); N.C. GEN. STAT. ANN. § 7B-2506(5) (West 2017); OKLA. STAT. ANN. tit. 10A, § 2-2-503(A)(7)(d) (West 2016); OR. REV. STAT. ANN. § 419C.459 (West 2012); WIS. STAT. ANN. § 938.34(8) (West 2018); WYO. STAT. ANN. § 14-6-247(a)(vi) (West 2013). Other states mandate that juvenile courts assess fines regardless of the young person's financial circumstances. *See, e.g.*, ARIZ. REV. STAT. ANN. § 8-341(S) (2018); FLA. STAT. ANN. § 806.13(6)(c) (West 2002); IDAHO CODE ANN. § 20-549 (West 2015). And fines can be substantial; some state statutes authorize fines up to, or exceeding, a thousand dollars for a single offense. ARIZ. REV. STAT. ANN. § 8-341(S); FLA. STAT. ANN. § 806.13(6)(a)(3) (West 2002); KAN. STAT. ANN. § 38-2361(a)(8), (e) (West 2017); OHIO REV. CODE

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court-imposed financial obligation are almost always the same, if not harsher, than those that follow from failing to pay a formal fine. *See infra* § II.

[3] *See infra* § II.A. for an analysis of the legal and practical obstacles to employment for youth.

ANN. § 2152.20(A)(1)(i) (West 2017); S.D. CODIFIED LAWS 26-8C-7(2) (2016).

States also impose a host of other monetary sanctions on youth. For example, justice-involved children and their families face probation costs in nineteen states. (*See* App. C: Probation Fees 26A-28A.) Probation costs frequently accumulate over time: many states assess them on a monthly basis, *e.g.*, GA. CODE ANN. § 15-11-37(b)(1) (West 2014), still others charge them *each day* a child is on probation, *e.g.*, FLA. STAT. ANN. §§ 985.514(2) (West 2017), 985.039 (West 2014). While some states assess fees against the child, *e.g.*, COLO. REV. STAT. ANN. §§ 19-2-925(2)(k) (West 2018), 24-4.2-104 (West 2014), others burden parents with the costs of supervision, *e.g.*, CONN. GEN. STAT. ANN. § 46b-141c (West 2018). Indeed, some states justify probation fees against parents on the notion that parents are blameworthy for their child's offense. *See, e.g.*, KY. REV. STAT. ANN. § 610.180 (assessing fee only upon finding that parent's "failure or neglect is the proximate cause of the act or acts of the child upon which the adjudication is based").

Forty-one states have laws that authorize the assessment of costs for court-ordered juvenile justice placements. (*See* App. D: Incarceration Fees 29A-33A.) This financial obligation, most often imposed on the parents of system-involved youth, creates a serious economic burden. States and counties may charge parents hundreds of dollars *per day* while their child is incarcerated. Bills can quickly climb into the tens of thousands of dollars, and are often created for the punitive purpose of ensuring that parents have "skin in the game." *See* Eli Hager, *Your Kid Goes to Jail, You Get the Bill*, THE MARSHALL PROJECT, (Mar.

2, 2017) [hereinafter *Your Kid Goes to Jail*] (quoting James Bueche, head of Louisiana's Office of Juvenile Justice), https://www.themarshallproject.org/2017/03/02/your-kid-goes-to-jail-you-get-the-bill?ref=collectionsa.

Youth in the juvenile justice system in many states are also required to pay individual assessment or evaluation costs, diversion fees, restitution, and other financial obligations that may be subject to scrutiny under the Excessive Fines Clause. *See generally* DEBTORS' PRISON FOR KIDS.

B. Young People Encounter Excessive Fines Almost Exclusively In State Court Proceedings

From a practical perspective, the constitutional limitation on excessive fines is meaningless if it does not apply against the States: when young people face monetary sanctions, it is virtually always at the hands of a state actor.

The Federal Juvenile Delinquency Act permits federal delinquency proceedings only where state courts cannot or will not accept jurisdiction. 18 U.S.C.A. §§ 5001 (1988), 5032 (1996). Thus, in 2015, state juvenile courts processed 884,900 delinquency cases. THE NAT'L CTR. FOR JUV. JUSTICE & THE OFFICE OF JUV. JUSTICE AND DELINQ. PREVENTION, JUVENILE COURT STATISTICS 2015 6 (2018), *available at* https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2015.pdf. By comparison, federal courts sentenced only 52 individuals under age 18 during the previous five years. UNITED STATES SENTENCING COMM'N, YOUTHFUL OFFENDERS IN THE FEDERAL SYSTEM 15

(2017), *available at* https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170525_youthful-offenders.pdf.

If the Constitution does not limit the states' power to impose unduly harsh monetary penalties through the incorporation doctrine, young people across the country will be at risk of excessive fines. Of the 49 state constitutional provisions limiting excessive fines, 35 afford different protections than those in the Eighth Amendment. *See* Richard S. Frase, *Limiting Excessive Prison Sentences under Federal and State Constitutions*, 11 U. PA. J. CONST. L. 39, 64-65 (2008). Each of the states of course is free to interpret these provisions to be more protective than the federal Constitution; but absent incorporation, they can also afford fewer protections. State courts have repeatedly demonstrated their reluctance to find broader protections against excessive penalties under state constitutions. *Id.* at 66.

As explained below, this Court cannot cede its obligation to curtail excessive monetary sanctions to the same actors that stand to benefit from the imposition of financial obligations.

C. States Inappropriately Rely On Fines To Generate Revenue

This Court has long recognized that "[I]t makes sense to scrutinize governmental action more closely when the State stands to benefit." *Harmelin v. Michigan*, 501 U.S. 957, 978 n.9 (1991). When state and local courts assess costs and fees in order to raise revenue, the courts' actions cast doubt on their

impartiality. "There is good reason to be concerned that fines, uniquely of all punishments, will be imposed in a measure out of accord with the penal goals of retribution and deterrence" precisely because "fines are a source of revenue." *Id.*

Juvenile justice fines implicate the fears raised in *Harmelin* because they inure to the benefit of the state government. The United States Department of Justice has noted that "[i]n some places, justice systems have been transformed into revenue centers that pay for even a jurisdiction's non-justice-related government operations." U.S. DEP'T OF JUSTICE, RESOURCE GUIDE: REFORMING THE ASSESSMENT AND ENFORCEMENT OF FINES AND FEES 2 (2016), *available at* http://ojp.gov/docs/finesfeesresguide.pdf.[4] Juvenile courts are no exception to this disturbing trend and are similarly reluctant to "relinquish the revenue" that they receive from fines and fees imposed on young people. *See* Teresa Wiltz, *Movement Against Juvenile Court Fees Runs Into Resistance*, HUFFINGTON POST, (Jan. 17, 2018) (citing Judge Jay Blitzman, juvenile court judge in Middlesex County, Massachusetts), https://www.huffingtonpost.com/entry/movement-

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[4] While it is clear that juvenile systems, like adult criminal justice systems, seek fines for the purpose of revenue generation it is less clear that they succeed. Rather the high cost of collection may sometimes outweigh the economic gain. *See, e.g.*, BERKELEY LAW POLICY ADVOCACY CLINIC, HIGH PAIN, NO GAIN: HOW JUVENILE ADMINISTRATIVE FEES HARM LOW-INCOME FAMILIES IN ALAMEDA COUNTY, CALIFORNIA 12 (2016) [hereinafter HIGH PAIN, NO GAIN], *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2738710

against-juvenile-court-fees-runs-into-resistance_us_5a5f6c2fe4b0c40b3e5975fd.

II. YOUTH ARE UNIQUELY VULNERABLE TO HARM FROM FINES

Juvenile justice fines not only implicate youth's fundamental right to property, but may interfere with their liberty interests, their interests in family unity, and their rights to equal protection. For young people with no realistic way to earn money, fines create financial obligations that are impossible to meet. In juvenile justice systems designed to be rehabilitative, fines increase recidivism and destabilize families. And far too often, fines lead to further justice system involvement, including incarceration in secure prison- and jail-like conditions that have consistently been shown to be harmful to youth. As the Ninth Circuit Court of Appeals has explained, financial obligations in the juvenile justice system "compromise the goals of juvenile correction and the best interests of the child, and, ironically, impair the ability of [the parent] to provide . . . future support." *Rivera v. Orange County Probation Dep't* (*In re Rivera*), 832 F.3d 1103, 1111 (Bankr. 9th Cir. 2016) (holding that the cost of juvenile detention was not a domestic support obligation excepted from bankruptcy discharge). Moreover, fines heighten existing economic and racial disparities in the juvenile justice system.

For any individual these harms would be constitutionally relevant; for young people, the harms are more severe and the constitutional obligation is heightened. The touchstone of an excessive fines inquiry is whether the penalty is "grossly disproportional to the gravity of the defendant's

offense." *United States v. Bajakajian*, 524 U.S. 321, 337 (1998). This Court has consistently recognized the reduced culpability of adolescents. *See Roper v. Simmons*, 543 U.S. 551, 575 (2005) (holding the death penalty disproportionate when imposed on children); *Graham v. Florida*, 560 U.S. 48, 82 (2010) (sentencing a child who committed a non-homicide offense to life without parole violates the Eighth Amendment); *Miller v. Alabama*, 567 U.S. 460, 465 (2012) (sentencing a child to mandatory life imprisonment without parole violates the Eighth Amendment). This Court has also recognized that punishments typically applied to adults may be more severe when inflicted on children. *Graham*, 560 U.S. at 70-71; *Miller*, 567 U.S. at 475. For example, sentencing a child to life without parole is an "'especially harsh punishment for a juvenile,' because he will almost inevitably serve 'more years and a greater percentage of his life in prison than an adult offender.'" *Miller*, 567 U.S. at 475 (quoting *Graham*, 560 U.S. at 70). Adult penalties are "the same . . . in name only" when applied to young people and require a "distinctive set of legal rules" to determine how severely they punish youth. *Id.* For the reasons set forth below, fines have a uniquely damaging effect when imposed on adolescents.

A. Children Cannot Pay Fines

Fines are distinctly problematic when imposed on young people too young to have any real earning capacity. Some youth in the juvenile justice system are not old enough to work at all, or at least cannot

work full time under federal law.[5] Most are also of compulsory school age.[6] Those who are old enough to work under state or federal laws are often shut out of the labor market; indeed jobs that were once typically held by adolescents are now increasingly filled by adults.[7] The challenges are particularly acute for

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[5] The Fair Labor Standards Act sets 14 as the minimum age for most non-agricultural work. 29 C.F.R. § 570.2 (2012); *see also* U.S. Dept. Labor, Fact Sheet # 43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations (2016), https://www.dol.gov/whd/regs/compliance/whdfs43.pdf.

[6] *See National Center for Education Statistics; Table 5.1: Compulsory School Attendance Laws, Minimum and Maximum Age Limits for Required Free Education, by State: 2017*, https://nces.ed.gov/programs/statereform/tab5_1.asp (last visited Sept. 7, 2018).

[7] One recent study found that the number of jobs held by teenagers between ages 14 and 18 shrank by 33% between 2001 and 2014. Career Builder, The Changing Face of U.S. Jobs: Composition of Occupations by Gender, Race, and Age from 2001-2004 13 (2015), *available at* http://careerbuilder-communications.com/pdf/changing-face-of-us-jobs.pdf. Another study found that the youth employment rate in 2011 was 26%, the lowest since World War II. JP MORGAN CHASE & CO., BUILDING SKILLS THROUGH SUMMER JOBS: LESSONS FROM THE FIELD 4 (2015), https://www.jpmorganchase.com/corporate/Corporate-Responsibility/document/54887-jpmc-summeryouth-aw2.pdf. Teens seeking jobs are now in competition with college graduates, workers over 55, and others competing for the same entry-level roles. Andrew Soergel, *Why Teens are Getting Shut out of the Workforce: They're Seeing Increased Competition, But That's Not the Only Reason*, U.S. NEWS & WORLD REP. (Mar. 26, 2015), http://www.usnews.com/news/blogs/data-mine/2015/03/26/studies-suggest-teens-getting-shut-out-of-workforce.

youth living in poverty, who tend to face even greater difficulties than their peers in finding employment.[8]

This was the case for Shyara Hill, who was 16 years old and in foster care when she got into a fight at school, defending her brother from a bully. After three years of probation, the court informed her that she could close her case only if she paid $420 in fees. Having just finished a week of employment at her first job, she didn't have the money. As a result, she remained on probation for yet another year. Semantha Melamed, *Philly Locks Up Kids for Truancy, Fighting – Then Goes After Parents for Child Support*, PHILADELPHIA INQUIRER (October 17, 2016), http://www.philly.com/philly/news/Phillys-working-poor-child-support-debtors-prison.html?arc404=true.

Even for the few youth who do obtain employment, pushing youth to work too much and too soon may lead to long-term negative consequences including worse academic performance and increased school drop-out rates,[9] directly undermining the rehabilitative goals of the juvenile justice system.

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[8] According to a report from the Center for Labor Market Studies at Northeastern University, only 21% of teenagers from low-income families worked at all, while 38% of wealthier teens had jobs. ANDREW SUM ET AL., THE DISMAL STATE OF THE NATION'S TEEN SUMMER JOB MARKET, 2008-2012, AND THE EMPLOYMENT OUTLOOK FOR THE SUMMER OF 2013 4 (2013), https://repository.library.northeastern.edu/downloads/neu:m0406v58n?datastream_id=content.

[9] According to one study, youth who work more than 20 hours a week "may have lower grade point averages and are more likely to drop out of school than those who work fewer hours." CHILD TRENDS DATA BANK, YOUTH EMPLOYMENT: INDICATORS ON CHILDREN AND YOUTH 2 (2015), *available at*

B. Juvenile Justice Fines Lead To Increased System Involvement And Incarceration

Too often, inability to pay a fine pushes children deeper into the juvenile justice system. Youth may be forced to remain on probation while bills are outstanding, *see, e.g.*, COLO. REV. STAT. ANN. §§ 19-2-925(2)(k), 24-4.2-104, even when their parents are ultimately responsible for the payments. This was the case for Dequan Jackson, who, as a 13-year-old student, was adjudicated delinquent for horseplay at school. Erick Eckholm, *Court Costs Entrap Nonwhite, Poor Juvenile Offenders*, THE NEW YORK TIMES (Aug. 31, 2016), https://www.nytimes.com/2016/09/01/us/court-costs-entrap-nonwhite-poor-juvenile-offenders.html. When his mother could not pay $200 in court and public defender fees, Dequan remained on probation for an additional 14 months, accruing still more fees that he and his mother could not afford. *Id.*[10] Despite complying with all other terms of probation, including attending counseling, working at a food bank, and

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http://www.childtrends.org/wp-content/uploads/2012/05/120_Youth_Employment.pdf. The study notes that "Overall, the negative effects of employment appear to be linked, not to whether students work, but how often and how long." *Id.*

[10] Increased supervision in itself interferes with a youth's liberty by mandating compliance with conditions like curfews, probation check-ins, monitoring, and mandatory services. Michelle S. Phelps, *The Paradox of Probation: Community Supervision in the Age of Mass Incarceration*, 35 LAW & POLICY 51 (2013). The increased oversight it carries in turn leads to increased risks of incarceration in the future. *Id.* at 55-57.

complying with a strict curfew, his financial status alone kept him under justice system supervision. *Id.* "You feel like you're drowning and you're trying to get some air, but people are just pouring more water into the pool," he later said. *Id.*

Young people without the ability to pay may also be precluded from participation in programs that allow them to avoid further justice system involvement. *See, e.g.*, OKLA. STAT. ANN. tit. 10A, § 2-2-104(E)-(F) (West 2013). In at least 14 states, attorneys or other professionals working with youth confirmed that children are denied participation in diversion programs because of inability to pay the fees—and consequently that they faced formal petitions in the juvenile justice system. DEBTORS' PRISON FOR KIDS, *supra*, at 12. In some of those states, the inability to pay ultimately led to placement in juvenile justice facilities. *Id.*

Juvenile justice fines also lead to youth incarceration. In one national survey, juvenile justice practitioners in 26 states reported that juvenile courts in their jurisdictions detained young people when they failed to pay juvenile justice fines—either as a direct consequence of nonpayment, as a form of civil or criminal contempt, or because nonpayment violated probation conditions. *See* DEBTORS' PRISON FOR KIDS, *supra*, at 23-24; *see also, e.g.*, ALA. CODE § 12-15-117(d) (2012); ME. REV. STAT. Ann. tit. 15, § 3314(7) (2018); OKLA. STAT. ANN. tit. 10A, § 2-7-504(D) (West 2017); WASH. REV. CODE ANN.§ 13.40.200(2)-(3) (West 2004).

A 13-year-old in Arkansas, for example, reported spending three months in a locked facility because he could not pay a $500 truancy fine. DEBTORS' PRISON FOR KIDS, *supra*, at 18. He appeared in court without a lawyer or parent. *Id.* When given

the choice between spending time in a correctional facility and payment, he saw no alternative but to do the time:

> [M]y mind was set to where I was just like forget it, I might as well just go ahead and do the time because I ain't got no money and I know the [financial] situation my mom is in. I ain't got no money so I might as well just go and sit it out.

Id.

C. Juvenile Justice Fines Lead To Increased Recidivism

Criminology research shows that juvenile justice fines are associated with increased recidivism, even when controlling for relevant demographic and case characteristics. Alex R. Piquero & Wesley G. Jennings, *Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE & JUV. JUST. 1, 1 (2016) [hereinafter *Justice System-Imposed Financial Penalties*], *available at* https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-criminology-study-2016.pdf. The higher the fees, the greater the impact on recidivism. *Id.* at 10.

These findings are unsurprising given the added stress that juvenile justice fines create. In *Making Families Pay*, a report that highlighted the problem of fines and fees in California, the authors quoted probation officers in more than one California county recognizing that the strain of fees may hamper

efforts to support positive outcomes for youth and families. STEPHANIE CAMPOS-BUI ET AL., MAKING FAMILIES PAY: THE HARMFUL, UNLAWFUL, AND COSTLY PRACTICE OF CHARGING JUVENILE ADMINISTRATIVE FEES IN CALIFORNIA 19-22 (2017) [hereinafter MAKING FAMILIES PAY], *available at* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2937534.

D. Juvenile Justice Fines Punish Families

Juvenile justice fines push low-income families deeper into poverty and require families to make devastating decisions, often pitting one child's needs against another's. Seemingly minimal payments may require families to sacrifice basic necessities, such as buying groceries. *See generally*, DEBTORS' PRISON FOR KIDS, *supra*, at 6-7 (discussing responses from national survey; reporting that "scraping together 10 to 15 dollars out of [the] monthly budget to pay on these fees, fines, and costs . . . means the difference to some [families] between eating for a day or two" (second alteration in original). One attorney explained that these financial obligations "can determine if another child in the family goes to college or not. Gets school clothes or not. Get[s] to do anything else other children get to do because money is being spent on the juvenile system." *Id.*[11]

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[11] These fines also often inflict punishment on the wrong person: parents and siblings of young people in the juvenile justice system are not culpable, yet they may bear the burden of juvenile justice fines equally, given the shared nature of family economic resources. The right of innocent people to be free from punishment, contravened by juvenile justice fines, is well-established. *See, e.g.*, *Thompson v. City of Louisville*,

And more substantial fines cause an even greater burden. One parent was forced to sell her house and file for bankruptcy when faced with a $9,500 bill for her son's incarceration. *Your Kid Goes to Jail, supra.* A foster mother facing $16,000 in costs had her wages and tax returns garnished and ultimately lost her home. "I'm really in despair," she explained, "There's a dark cloud over my life. I have absolutely nothing." Erin B. Logan, *Courts in Most States Charge Juveniles to Exist Inside the Justice System. This Movement Wants to Change That,* WASHINGTON POST (August 10, 2018), https://www.washingtonpost.com/news/post-nation/wp/2018/08/10/courts-in-most-states-charge-juveniles-to-exist-inside-the-justice-system-this-movement-wants-to-change-that/?noredirect=on&utm_term=.8e135345c1e2.

Juvenile justice fines can tear families apart in even more tangible ways: when the court charged one grandmother detention fees upon her grandson's detention, she felt pressured to relinquish custody rather than be stuck with fees she could not pay. MAKING FAMILIES PAY, *supra*, at 11. Another grandmother, faced with insurmountable juvenile justice fees, spoke to a county employee who told her that handing over custody was the only way to avoid paying. DEBTORS' PRISON FOR KIDS, *supra*, at 7. Each state's juvenile justice system has a purpose of rehabilitation, competency development, or family support. *See, e.g.*, ALA. CODE § 12-15-101(b) (2008); NEV. REV. STAT. ANN. § 62A.360(2) (West 2004); 42 PA. STAT. AND CONS. STAT. ANN. § 6301(b) (West 2012);

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362 U.S. 199, 206 (1960) ("[I]t [is] a violation of due process to . . . punish a man without evidence of his guilt.").

TEX. FAM. CODE ANN. § 51.01(3) (West 1996). The family stress created by fines directly undermines these goals—heightening the disproportionality of the punishment to the offense.

These fines also punish poor youth and families more severely than their wealthier counterparts, contravening this Court's holdings that a person's wealth should not dictate their treatment in the justice system. *Griffin v. Illinois*, 351 U.S. 12, 19 (1956); *Williams v. Illinois*, 399 U.S. 235, 240-41 (1970); *Tate v. Short*, 401 U.S. 395, 397-98 (1971); *Bearden v. Georgia*, 461 U.S. 660, 661-62 (1983).

E. Juvenile Justice Fines Aggravate The Racial And Economic Disparities In The Juvenile Justice System

Youth of color are overrepresented at every stage of the juvenile justice system, even when controlling for alleged conduct. Alex R. Piquero, *Disproportionate Minority Contact*, 18 JUV. JUST. 59, 59-61 (2008). Research shows that juvenile justice fines also reflect and exacerbate this disparity. *Justice System-Imposed Financial Penalties*, *supra*, at 10.

First, because youth of color spend more time on probation and in juvenile facilities than their white counterparts, their families are liable for higher fees. *See, e.g.*, HIGH PAIN, NO GAIN, *supra* note 4, at 9. Second, juvenile fines and fees contribute to recidivism in ways that amplify racial disparities. In a sample of over 1,000 youth, research showed that having unpaid costs after case closing led to higher recidivism, and that youth of color were 68% more likely to have unpaid costs than their white peers.

Justice System-Imposed Financial Penalties, *supra*, at 9-10.

F. The Retributive Effects Of Juvenile Justice Fines Follow Young People Into Adulthood

The punitive repercussions of juvenile justice fines do not vanish with dismissal of a delinquency proceeding. The effects follow youth into adulthood and may burden families well after a young person leaves home.

In a number of jurisdictions, juvenile courts retain jurisdiction over children into adulthood for the sole purpose of collecting payment on juvenile justice fines. *See, e.g.*, ALA. CODE § 12-15-117(c); FLA. STAT. ANN. § 985.0301(5)(d) (West 2015); MO. ANN. STAT. § 211.185(11) (West 1995); OKLA. STAT. ANN. tit. 10A, § 2-7-504(D); WASH. REV. CODE ANN. § 13.40.300(3)(e) (West 2018). In many jurisdictions, juvenile fines become a civil judgment, sometimes subject to payment through wage garnishment, property lien, bank levy, or tax intercept. *See generally* DEBTORS' PRISON FOR KIDS, *supra*, at 23-24; *see also, e.g.*, FLA. STAT. ANN. § 938.29(2)(a)(2) (West 2010); ME. REV. STAT. Ann. tit. 15, § 3314(7); MINN. STAT. ANN. § 260B.331(b) (West 2013); N.J. STAT. ANN. § 2A:158A-17(a) (West 2013); S.D. CODIFIED LAWS § 26-7A-32 (2002).

These policies have grave consequences for a young person's successful transition to adulthood. Young people with civil judgments may be precluded from obtaining or keeping a drivers' license or registering a vehicle. *See* MASS. GEN. LAWS ANN. ch. 211D, § 2A(h) (West 2018); TENN. CODE ANN. § 40-24-

105(b)(1) (West 2018). Civil judgments can interfere with the ability of young people to get loans for higher education or housing. DEBTORS' PRISON FOR KIDS, *supra*, at 23. They may be unable to seek expungement of their records while these debts are outstanding. *See generally* DEBTORS' PRISON FOR KIDS, *supra*, at 23-24; *see also, e.g.*, ARIZ. REV. STAT. ANN. § 8-349(B)(5) (2002); KAN. STAT. ANN. § 38-2312(e)(2) (West 2018). With a juvenile record, limited transportation, obstacles to secure housing and education, and no financial resources, young people face an often insurmountable hurdle to moving past their childhood conduct. *See* RIYA SAHA SHAH & JEAN STROUT, FUTURE INTERRUPTED: THE COLLATERAL DAMAGE CAUSED BY PROLIFERATION OF JUVENILE RECORDS 9-11 (2016), *available at* http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf. Thus even when fines are imposed for minor adolescent behavior, they may impose subsequent years of punishment on a child.

CONCLUSION

"[T]he Eighth Amendment reaffirms the duty of the government to respect the dignity of all persons." *Roper*, 543 U.S. at 560. The states' power to impose monetary sanctions on some of their most vulnerable citizens deprives young people and their non-culpable family members of this constitutional protection. Like other sanctions imposed in juvenile justice proceedings, juvenile justice fines demand proportionality review.

For this and all of the foregoing reasons, *Amici* respectfully request that this Court reverse the

Indiana Supreme Court's judgment and expressly recognize that the Eighth Amendment limits the states' power to impose excessive fines.

Respectfully Submitted,

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APPENDIX A: STATEMENTS OF INTEREST OF AMICI CURIAE

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

Arizona Legal Women and Youth Services (ALWAYS) provides free legal services to young people impacted by homelessness, abuse, the foster care system and human trafficking.

The **Barton Child Law and Policy Center** is a clinical program of Emory Law School dedicated to promoting and protecting the legal rights and interests of children involved with the juvenile court, child welfare and juvenile justice systems in Georgia. The Center achieves its reform objectives through research-based policy development, legislative advocacy, and holistic legal representation for individual clients. The Barton Center adopts a multidisciplinary, collaborative approach to achieving justice for youth through which children are viewed in their social and familial contexts and provided with individualized services to protect their legal rights, respond to their human needs, and ameliorate the

social conditions that create risk of system involvement.

The Barton Center was founded in March 2000. Its work is directed by Emory Law faculty and performed by law and other graduate students who advocate for children through participation in the Policy and Legislative Advocacy Clinics, the Juvenile Defender Clinic, and the Appeal for Youth Clinic. Under the supervision of experienced faculty members, students represent children in juvenile delinquency, special education, and school discipline cases and seek post-conviction relief for youthful offenders in criminal matters. Students also engage in legislative and policy advocacy on issues impacting vulnerable children. The Barton Center has represented more than 350 youth and trained nearly 1000 students who now serve in leadership positions in nonprofit organizations, state and local government agencies, and private firms.

Legal services provided by the Barton Center are provided at no cost to our clients. The work of the Barton Center is funded by Emory Law School, private gifts, foundation grants, and contracts with a variety of organizations.

Through participation as amicus curiae, the Barton Center hopes to provide a voice for the child and for those who are similarly situated who will be directly and profoundly affected by the court's decision.

The **Campaign for Youth Justice (CFYJ)** is a national initiative dedicated to ending the prosecution, sentencing, and incarceration of youth under 18 in the adult criminal justice system. We believe and research supports that courts should consider the social, psychological, economic, and

neurological development of adolescents when determining the appropriate jurisdictional venue, treatment, and sentencing of youth. Too often, fines and fees are leveraged against youth and their families end up driving youth deeper into the justice system; or keep them incarcerated in dangerous situations for their inability to pay. Youth, particularly those in the adult system, already face significant penalties for their behavior, leveraging excessive fines and fees adds additional collateral consequences that follows them into adulthood, impeding their rehabilitation. For these reasons, we support ending excessive finds on youth and their families.

The **Center for Children & Youth Justice** is a 501(c)(3) non-profit with a mission to improve—through systems reform—the outcomes of children and youth who enter the juvenile justice, child welfare, and related systems. CCYJ works to ensure that such systems are integrated, unbiased, fueled with innovative ideas, and backed by rules and programs proven to achieve the best outcomes for children, youth, and young adults. One of CCYJ's programs provides free limited legal advice to and/or secures pro bono counsel for youth and young adults on a variety of civil legal issues, often related to the collateral consequences of criminal records. CCYJ has previously sought and received leave to file amicus briefing on issues related to the treatment of youth and young adults.

The **Center for Children's Advocacy (CCA)** is a non-profit organization based at the University of Connecticut Law School and is dedicated to the promotion and protection of the legal rights of poor children. The children represented by CCA are

dependent on a variety of Connecticut state systems, including judicial, health, child welfare, mental health, education and juvenile justice. CCA engages in systemic advocacy focusing on important legal issues that affect a large number of children, helping to improve conditions for abused and neglected children in the state's welfare system as well as in the juvenile justice system. CCA works to ensure that children's voices are heard and that children are afforded legal protections everywhere—community, foster placements, educational institutions, justice system and child welfare.

The **Center for Children's Law and Policy (CCLP)** is a public interest law and policy organization focused on reform of juvenile justice and other systems that affect troubled and at-risk children, and protection of the rights of children in such systems. The Center's work covers a range of activities including research, writing, public education, media advocacy, training, technical assistance, administrative and legislative advocacy, and litigation. CCLP works locally in DC, Maryland and Virginia and also across the country to reduce racial and ethnic disparities in juvenile justice systems, reduce the use of locked detention for youth and advocate safe and humane conditions of confinement for children. CCLP helps counties and states develop collaboratives that engage in data-driven strategies to identify and reduce racial and ethnic disparities in their juvenile justice systems and reduce reliance on unnecessary incarceration. CCLP staff also work with jurisdictions to identify and remediate conditions in locked facilities that are dangerous or fail to rehabilitate youth.

The **Children and Family Justice Center (CFJC)**, part of Northwestern Pritzker School of Law's Bluhm Legal Clinic, was established in 1992 as a legal service provider for children, youth, and families, as well as a research and policy center. Currently, clinical staff at the CFJC provide advocacy on policy issues affecting children in the legal system, and legal representation for children, including in the areas of delinquency and crime, immigration/asylum, and fair sentencing practices. In its 25-year history, the CFJC has filed numerous briefs as an amicus curiae in this Court and in state supreme courts based on its expertise in the representation of children in the legal system. *See, e.g.*, Amicus Br., *Montgomery v. Louisiana*, 135 S. Ct. 1546 (2015) (No. 14-280), 2015 WL 4624620; Amicus Br., *Watson v. Illinois*, 136 S. Ct. 399 (2015) (No. 14-9504), 2015 WL 3452842.

Children's Action Alliance is an independent voice for Arizona children at the state capitol and in the community. CAA works to improve children's health, education and security through information and action.

Children's Defense Fund-New York is dedicated to improving conditions for children, combining research, public education, policy development, community organizing and advocacy. A recognized authority in the endeavor to protect children and strengthen families, CDF-NY serves as a resource and partner for children, families and organizations throughout New York City and State.

Children's Law Center of Kentucky has worked on behalf of adolescents in a variety of settings, including adolescents involved in the juvenile and criminal justice systems. The Children's Law Center, Inc. (CLC) is a non-profit organization

committed to the protection and enhancement of the legal rights of children. CLC strives to accomplish this mission through various means, including providing legal representation for youth and advocating for systemic and societal change. For nearly 30 years, CLC has worked in many settings, including the fields of special education, custody, and juvenile justice, to ensure that youth are treated humanely, can access services, and are represented by counsel. The Children's Law Center has been involved since 2005 in strengthening Indiana's system of indigent juvenile defense by improving access to counsel, quality of representation, and the impediments which assure that all youth have competent and effective lawyers. The Center has partnered with the Indiana Public Defender Council to promote fair and constitutionally sound policies relative to the treatment of youth in the delinquency system.

Children's Rights is a national non-profit advocacy organization dedicated to improving the lives of vulnerable children in child welfare, juvenile justice and public health systems. Children's Rights uses civil rights litigation, policy expertise, and public education to create positive systems change, with a 20-year track record in raising accountability, protecting rights, and improving outcomes for children. In particular, Children's Rights has significant experience in addressing systemic barriers that contribute to known harm and grave outcomes for youth when they leave state custody as young adults. As part of its work, Children's Rights advocates for children who have become involved in juvenile justice proceedings, many of whom also have been placed in foster care as a result of abuse or neglect, and many of whom suffer from significant

mental health disorders. Children's Rights has particular concerns about the long-lasting adverse effects that these youth will suffer as a result of excessive and inappropriate punishment.

Citizens' Committee for Children of New York, Inc. (CCC) is an over 70-year old multi-issue independent advocacy organization whose mission is to ensure every New York child is healthy, housed, educated and safe.

The **Civitas ChildLaw Center** is a program of the Loyola University Chicago School of Law, whose mission is to prepare law students and child-serving professional to advocate for the well-being of youth in their professional careers, with an ultimate goal of promoting justice for children, adolescents and young adults. For a decade, The ChildLaw Center served as the lead entity for juvenile justice reform in Illinois as part of the MacArthur Foundation's Models for Change initiative. That initiative worked to promote a more effective, fair and developmentally sound juvenile justice system.

The **Coalition for Juvenile Justice (CJJ)** is a non-profit, non-partisan, nationwide coalition of State Advisory Groups (SAGs), allied staff, individuals, and organizations. CJJ is funded by our member organizations and through grants secured from various agencies. CJJ envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives. CJJ serves and supports SAGs that are principally responsible for monitoring and supporting their state's progress in addressing the four core requirements of the Juvenile Justice and Delinquency Prevention Act

(JJDPA) and administering federal juvenile justice grants in their states. CJJ is dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.

The **Education Law Center-PA (ELC)** is a non-profit, legal advocacy organization dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through individual and impact litigation, as well as advocacy at the local, state and national level, ELC advances the rights of vulnerable children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English language learners, LGBTQ students, and children experiencing homelessness. Over its 40-plus-year history, ELC has advocated vigorously to dismantle the school-to-prison pipeline in all of its forms through individual representative, class action lawsuits, and systemic policy reforms. ELC joins as amicus in this matter because we know the devastating impact and harsh consequences of fines imposed on youth in the truancy context, often pushing them further into the juvenile and criminal justice systems.

The **Florida Juvenile Resentencing and Review Project** at the Florida International University College of Law was founded in 2015 following the legislative enactment of Chapter 2014-220, Law of Florida, and the release of this Court's opinions in Falcon v. State, 162 So. 3d 954 (Fla. 2015) and Horsley v. State, 160 So. 3d 393 (Fla. 2015). The Resentencing and Review Project was created with the goal of ensuring that each juvenile in the State of

Florida who is either already serving or subject to adult sanctions as well as those entitled to judicial review receive a robust and comprehensive defense.

The **Georgetown Juvenile Justice Clinic** was founded in 1973 to represent children accused of misdemeanor and felony offenses in the District of Columbia. Clinic faculty, fellows, and students provide highly effective holistic representation to their clients by protecting the rights and interests of youth in the juvenile justice system, advocating on behalf of youth in related proceedings such as special education and school disciplinary hearings, and lobbying for mental health services, drug treatment, and other interventions that are appropriately matched with the child's age, mental capacity, and developmental stage. Clinic faculty and alumni engage in local, regional, and national juvenile justice reform by training defenders throughout the country, developing local and national juvenile justice standards for lawyers and other stakeholders, writing and updating practice manuals, conducting research and publishing law review articles and books that analyze the need for reform and consulting with local and state officials to advance reform efforts. With an emphasis on racial justice reform in its recently launched Juvenile Justice Initiative, faculty and staff also write scholarship, convene symposia and trainings, and develop resources to help juvenile justice stakeholders identify and correct racial bias and injustices throughout the system.

The **Harvard Law School's Child Advocacy Program (CAP)** is a premier academic program focused on children's rights, primarily in the areas child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. CAP trains

students to contribute in their future careers to a better understanding of the rights of children, and to law and policy reform promoting children's rights in the United States and around the world. CAP's Faculty director is Elizabeth Bartholet, the Morris Wasserstein Public Interest Professor of Law. She is a leading national authority on child protection, foster care, and adoption law.

The **Judge David L. Bazelon Center for Mental Health Law** is a national public interest organization founded in 1972 to advance the rights of individuals with mental disabilities. The Center advocates for laws and policies that protect the civil rights of and provide equal opportunity to children and adults with mental disabilities. It works to improve juvenile and adult corrections systems and has seen first-hand the damage to children and families wrought by excessive fines.

The **Justice for Children Project** is an educational and interdisciplinary research project housed within The Ohio State University Michael E. Moritz College of Law. Since January 1998, the Project has worked to study the ways in which the law and legal reform may be used to redress systemic problems affecting children. The Justice for Children Project has two primary components: original research and writing in areas affecting children and their families, and direct legal representation of children and their interests in the courts. Through its scholarship, the Project builds bridges between theory and practice by providing philosophical support for the work of children's rights advocates. By its representation of individual clients through the Justice for Children Clinic and through its amicus work, the Justice for Children Project strives to

advance the cause of children's rights in delinquency, status offense, child welfare, immigration, and other legal proceedings affecting children's interests.

The **Juvenile Justice Coalition** is an Ohio state advocacy organization that works with directly impacted youth to advance research-based reforms for youth involved in the state's juvenile courts and youth who are suspended or expelled from school.

Lawyers For Children (LFC) is a not-for-profit legal corporation dedicated to protecting the rights of individual children in foster care in New York City and compelling system-wide child welfare reform. Since 1984, LFC has provided free legal and social work services to children in more than 30,000 court proceedings involving foster care, abuse, neglect, termination of parental rights, adoption, guardianship, custody and visitation. This year, our attorney-social worker teams will represent children and youth in close to 3,000 court cases in New York City Family Courts. A significant number of those youth are "cross-over" youth, appearing in both child welfare and criminal/delinquency matters.

Legal Aid Society Juvenile Rights Practice: The Legal Aid Society is the oldest and largest not-for-profit legal services organization in the nation, dedicated since 1876 to providing quality legal representation to low-income New Yorkers. The Juvenile Rights Practice ("JRP") is the primary institutional provider of legal services for children in New York, and it represents 90 percent of the children—34,000 children annually—who appear before the Family Court in New York City on child protective, termination of parental rights, PINS (person in need of supervision), and juvenile delinquency petitions. The JRP was established

concurrently with New York State's Family Court in 1962 (five years before the U.S. Supreme Court ruled that children have a constitutional right to counsel at government expense), and it was one of the first organizations in this country to represent children in a juvenile court. Since then, the JRP has grown into one of the nation's leading organizations in the field of child advocacy.

Louisiana Center for Children's Rights (LCCR) is the only statewide, non-profit advocacy organization focused on reform of the juvenile justice system in Louisiana. Its advocacy over the years has focused on the way the state handles court involved youth, and pays particular attention to the high rate of juvenile incarceration in Louisiana and the conditions under which children are incarcerated. Through direct advocacy, research and cooperation with state run agencies, LCCR works to both improve conditions of confinement and identify sensible alternatives to incarceration. LCCR also works to ensure that children's rights are protected at all stages of juvenile court proceedings, from arrest through disposition, post-disposition and appeal, and that the juvenile and adult criminal justice systems take into account the unique developmental differences between youth and adults in enforcing these rights. LCCR continues to work to build the capacity of Louisiana's juvenile public defenders by providing support, consultation and training, as well as pushing for system-wide reform and increased resources for juvenile public defenders.

The National Center for Youth Law (NCYL) is a private, non-profit organization that uses the law to help children in need nationwide. For more than 40 years, NCYL has worked to protect the rights

of low-income children and to ensure that they have the resources, support, and opportunities they need to become self-sufficient adults. One of NCYL's priorities is to reduce the number of youth subjected to harmful practices in the juvenile justice system, including the imposition of illegal juvenile fines and fees. NCYL has litigated to end unnecessary referral to the juvenile justice system in numerous states, and advocated at the federal, state, and local levels to reduce reliance on the justice systems to address the needs of youth, including eliminating juvenile fines and fees, decriminalizing normal adolescent behavior and improving children's access to adequate developmentally-appropriate treatment.

The National Juvenile Defender Center (NJDC) was created to ensure excellence in juvenile defense and promote justice for all children. NJDC responds to the critical need to build the capacity of the juvenile defense bar in order to improve access to counsel and quality of representation for children in the justice system. NJDC gives juvenile defense attorneys a more permanent capacity to address important practice and policy issues, improve advocacy skills, build partnerships, exchange information, and participate in the national debate over juvenile justice. NJDC provides support to public defenders, appointed counsel, child advocates, law school clinical programs, and non-profit law centers to ensure quality representation and justice for youth in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders and advocates, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. NJDC has participated as Amicus Curiae before the United

States Supreme Court, as well as federal and state courts across the country.

The **National Juvenile Justice Network (NJJN)** leads a movement of state-based juvenile justice reform organizations and alumni of its Youth Justice Leadership Institute to fight for a fairer youth justice system that's appropriate for youth and their families. NJJN advocates for policies and practices that treat youth in trouble with the law with dignity and humanity and which strengthen them, their families and their communities. Founded in 2005, NJJN is currently comprised of 53 organizational members in 43 states and the District of Columbia and a growing cadre of graduates from our Youth Justice Leadership Institute.

NJJN recognizes that youth are still developing, are fundamentally different from adults and should be held accountable in a developmentally appropriate manner that gives them the tools to make better choices in the future and become productive citizens. Unfortunately, many states are saddling youth involved with the justice system with excessive fines and fees that act as a millstone around their necks, thwarting their efforts to become productive citizens. Youth and their families throughout the nation are at risk of serious harm—which is disproportionately placed on youth of color who are overrepresented in the youth justice system, unless the Court incorporates the Excessive Fines Clause against the states.

The **Nova Southeastern University Law Center Children and Families Clinic** has represented parents and children in domestic relations case and abuse and neglect matters for the past twenty years. Under the supervision of faculty

member, Clinic students represent children on a pro bono basis in abuse, neglect, and termination of parental rights cases when asked to do so by the court or parties—as children have no right to counsel in such proceedings in Florida. The Clinic has signed on to amicus briefs in Florida and nationally because of its experience in representing children where serious rights are at stake and where, in the absence of independent counsel, serious harm would come to the children.

PolicyLink is a national research and action institute advancing racial and economic equity with a focus on advancing an equitable economy, healthy communities of opportunity, and a just society for the 100 million people living in poverty. To this end, PolicyLink has prioritized addressing the disproportionate impact fines and fees have on the financial security and economic mobility of low-income communities and communities of color.

Robert F. Kennedy Human Rights is a nonprofit organization that was founded in 1968 to carry on Robert F. Kennedy's commitment to creating a more just and peaceful world. The organization works alongside local activists to ensure lasting positive change in governments and corporations. Its team includes leading attorneys, advocates and entrepreneurs united by a commitment to social justice. Whether in the United States or abroad, the organization's programs have pursued strategic litigation on key human rights issues, educated millions of students in human rights advocacy and fostered a social good approach to business and investment. Its advocacy and litigation program seeks to ensure that the United States respects, protects, and fulfills its international human rights obligations

with respect to its juvenile and criminal justice systems, including providing enhanced protections for children in conflict with the law, ending discriminatory police practices, curbing the over reliance on incarceration, and eliminating unjust and inefficient cash bail and pre-trial detention policies that disproportionately affect the poor and communities of color. Robert F. Kennedy Human Rights has organized thematic hearings before the Inter-American Commission on Human Rights on impunity for police killings and excessive use of force by the police in the United States. In addition to holding the United States accountable before international human rights mechanisms, Robert F. Kennedy Human Rights works with domestic activists to reform the criminal justice system via policy change, innovative disruptions that bolster the case for reform and public engagement and mobilization.

The **Roderick and Solange MacArthur Justice Center (MJC)** is a non-profit, public interest law firm that advocates positive reform within the criminal justice system. MJC has offices in Chicago (at the Northwestern Pritzker School of Law), New Orleans, St. Louis, at the University of Mississippi Law School, and in Washington, D.C.. MJC was founded in 1985 by the family of J. Roderick MacArthur to advocate for human rights and social justice through litigation. It has led battles against myriad civil rights injustices, including police misconduct, racial bias in the criminal justice system, denial of counsel for the indigent accused, and improper treatment of court-involved youth.

RYSE is located in Richmond, CA and engages youth and young adults ages 13-24 in programming that includes direct services, education awareness,

leadership-building, and organizing, and in the areas of health and wellness; education and justice; leadership and community building; and media, arts & culture. Over 3500 young people have participated in programming since RYSE opened in 2008 and RYSE has been recognized by local, statewide, and national efforts as an emerging model and best practice in the fields of youth leadership, youth violence prevention, and community health.

The **Sentencing Project,** founded in 1986, is a national nonprofit organization engaged in research and advocacy on criminal justice and juvenile justice reform. The organization is recognized for its policy research documenting trends and racial disparities within the justice system, and for developing recommendations for policy and practice to ameliorate those problems. The Sentencing Project has produced policy analyses that document the increasing use of sentences of life without parole for both juveniles and adults, and has assessed the impact of such policies on public safety, fiscal priorities, and prospects for rehabilitation. Staff of the organization are frequently called upon to testify in Congress and before a broad range of policymaking bodies and practitioner audiences.

The **Southern Center for Human Rights (SCHR)** is working for equality, justice, and dignity in our criminal justice system. The mission of SCHR is to end capital punishment, mass incarceration, and other criminal justice practices that are used to control the lives of poor people, people of color, and other marginalized groups in the Southern United States. SCHR does this through death penalty representation, impact litigation, policy advocacy, and public education.

The **Stephen and Sandra Sheller Center for Social Justice** at Temple University Beasley School of Law engages in systemic advocacy on behalf of disadvantaged and marginalized groups. The Center has a strong commitment to the welfare of children and families and has conducted extensive advocacy on their behalf, including a successful effort to end Philadelphia's practice of charging parents for the cost of their child's incarceration. By participating as *amicus*, the Center seeks to assist the Court as it considers the damaging effects of excessive fees and fines on families, as well as the constitutional issues at stake in this litigation.

Tennessee Voices for Children supports sensible and effective changes that reduce fines, because it will reduce further penetration of juveniles in the juvenile and criminal justice systems.

Youth Advocate Programs, Inc. (YAP) is a non-profit, direct services organization founded in 1975. Our mission is to provide individuals who are, have been or may be subject to compulsory care with the opportunity to develop, contribute and be valued as assets so that communities have safe, proven effective and economical alternatives to institutional placement. Our philosophy stems from the premise that every individual and family has strengths and capabilities that can and must be developed. Our core agency principles guide this premise into practice and reflect our ongoing commitment to family-focused programming that empowers youth and families to lead healthy, safe and productive lives in their communities. We recognize that strong families make strong communities, and oppose the incarceration of youth. YAP serves over 11,000 youth and families per year, specializing in youth who present the most

challenging cases. The agency provides child welfare, mental health and juvenile justice systems with cost-effective alternatives to residential, correctional and other out-of-home placements.

The **Youth Law Center (YLC)** is a public interest law firm that advocates to transform juvenile justice and foster care systems across the nation so that every child and youth can thrive. YLC has long worked to ensure that the juvenile and criminal justice systems are informed by research on adolescent development and responsive to the particular needs and vulnerabilities of youth. Since 1978, our lawyers have been involved in public policy discussions, legislation and court challenges involving the treatment of juveniles in the juvenile and criminal justice systems. The Center's attorneys are often consulted on juvenile policy matters, and have participated as amicus curiae in cases around the country involving important juvenile system issues. Youth Law Center attorneys have written widely on a range of juvenile justice, child welfare, health and education issues, and have provided research, training, and technical assistance on legal standards and juvenile policy issues to public officials in almost every state.

The **Youth Sentencing & Reentry Project (YSRP)** is a nonprofit organization based in Philadelphia that uses direct service and policy advocacy to transform the experiences of children prosecuted in the adult criminal justice system, and to ensure fair and thoughtful resentencing and reentry for individuals who were sentenced to life without parole as children ("juvenile lifers"). YSRP partners with court-involved youth and juvenile lifers, their families, and lawyers to develop holistic,

humanizing narratives that mitigate the facts of each case; get cases transferred to the juvenile system or resentenced; and make crucial connections to community resources providing education, healthcare, housing, and employment. YSRP also provides trainings on mitigation, and recruits, trains and supervises students and other volunteers to assist in this work. YSRP's ultimate goals are to keep children out of adult jails and prisons and to enhance the quality of representation juvenile lifers receive at resentencing, and as they prepare to reenter the community. YSRP is particularly interested in the issue of costs and fees imposed on court-involved youth and families as this is an issue that we have addressed in Philadelphia.

Western Center on Law & Poverty is the oldest and largest statewide support center for legal services advocates in California. Western Center represents California's poorest residents in litigation to advance access to housing, health, public benefits, jobs and justice. Western Center has frequently represented clients challenging government fines and fees, including juvenile court fees, that are imposed in an unconstitutional manner. Ensuring that the prohibition against excessive fines set forth in the Eighth Amendment of United States Constitution applies to State court fines is critical to Western Center's anti-poverty mission.

APPENDIX B: MONETARY PENALTIES LABLED AS FINES

Alabama	ALA. CODE § 12-15-215(a)(4) (authorizing assessment of fine not to exceed $250)
Arizona	ARIZ. REV. STAT. ANN. § 8-341(S) (mandating assessment of fine between $300 and $1,000 for enumerated offenses)
Arkansas	ARK. CODE § 9-27-330(a)(8) (authorizing fine of up to $500)
California	CAL. WELF. & INST. CODE § 730.5 (authorizing fine up to the amount that would be imposed on adult upon criminal conviction of same offense)
Colorado	COLO. REV. STAT. ANN. § 19-2917 (authorizing fine up to $300 for aggravated juvenile offender)
Delaware	DEL. CODE ANN. tit. 10, § 1009A (authorizing fine as a term of probation in accordance with Section 4218 of the Delaware Criminal Code)
Florida	FLA. STAT. ANN. § 806.13 (mandating assessment of fine between $250 and $1,000 against youth adjudicated delinquent for criminal mischief)
Georgia	GA. CODE ANN. §§ 15-11-601(a)(8), 15-11-630(g)(4) (authorizing fine up to the amount that would be imposed on an adult for a like offense, when youth is adjudicated

	delinquent for enumerated offenses)
Hawaii	HAW. REV. STAT. § 571-48(1)(D) (authorizing fine for violation which would be theft in the third degree if committed by an adult)
Idaho	IDAHO CODE ANN. § 20-549 (mandating $150 fine for curfew violation by a juvenile offender)
Illinois	705 ILL. COMP. STAT. 405/5-615(11) (authorizing fine between $25 and $100 for tobacco offenses); 705 ILL. COMP. STAT. 410/25(e) (authorizing assessment of fines against youth taking part in the juvenile drug court program)
Kansas	KAN. STAT. ANN. § 38-2361(a)(8), (e) (authorizing fine up to $1000 for each offense)
Kentucky	KEN. REV. STAT. § 635.085(1) (authorizing fine between $100 and $500 in lieu of detention)
Louisiana	LA. STAT. § 95.8(B) (mandating fine between $100 and $1,000 for illegal possession of handgun by juvenile)
Maine	ME. REV. STAT. ANN. tit. 15, § 3314(1)(G) (authorizing fine up to $1,000)
Maryland	MD. CODE § 3-8A-19(e) (authorizing fine between $25 and $100 for enumerated motor vehicle and possession offenses)
Massachusetts	MASS. GEN. LAWS ch. 119, § 58B (authorizing fine for violation of

	motor vehicle code that results in delinquency adjudication)
Michigan	MICH. COMP. LAWS ANN. § 712A.18(1)(j) (authorizing fine in the same amount that may be assessed against adult)
Minnesota	MINN. STAT. § 260B.198 sub. 1(6) (authorizing fine up to $1,000)
Mississippi	MISS. CODE. § 43-21-605(1)(e) (authorizing fine up to $500)
Missouri	MO. ANN. STAT. § 211.181(3)(9) (authorizing fine up to $25 for act that would be a misdemeanor if committed by an adult and up to $50 for act that would be a felony if committed by an adult)
Montana	MONT. CODE ANN. § 41-5-1513(1)(f) (authorizing fine for act that would be criminal offense if committed by an adult)
Nevada	NEV. REV. STAT. § 62E.730(1) (authorizing imposition of fine against youth and parent or guardian)
New Hampshire	N.H. REV. STAT. § 169-B:19 (I)(a) (authorizing fine up to $250)
New Jersey	N.J. STAT. ANN. § 2A:4A-43(b)(8) (authorizing fine in an amount not to exceed the maximum that could be imposed on adult convicted of criminal offense)
New Mexico	N.M. STAT. ANN. § 32A-2-19(B) (authorizing fine in an amount not to exceed the maximum that could

	be imposed on adult convicted of criminal offense)
North Carolina	N.C. GEN. STAT. § 7B-2506(5) (authorizing fine in an amount not to exceed the maximum that could be imposed on adult convicted of criminal offense)
North Dakota	N.D. CENT. CODE § 27-20-31(3) (authorizing fine for enumerated offenses)
Ohio	OHIO REV. CODE ANN. § 2152.20(A)(1) (authorizing fine between $50 and $2,000, depending on the offense)
Oklahoma	OKLA. STAT. ANN. tit. 10A, § 2-2-503(A)(7)(d) (authorizing fine in an amount not to exceed the maximum that could be imposed on adult convicted of criminal offense)
Oregon	OR. REV. STAT. ANN. § 419C.459 (authorizing fine of the same amount that could be imposed on adult convicted of criminal offense, including mandatory application of minimum fines)
Pennsylvania	42 PA. CONS. STAT. ANN. § 6352(a)(5) (authorizing assessment of fine)
Rhode Island	R.I. GEN. LAWS § 14-1-4 (mandating fine of up to $500 for "idleness")
South Carolina	S.C. CODE § 63-19-1410 (authorizing fine of up to $200 as a condition of probation)

South Dakota	S.D. CODIFIED LAWS 26-8C-7(2) (authorizing fine up to $1,000)
Tennessee	TENN. CODE § 37-1-131(a)(5) (authorizing fine up to $50 for each offense)
Utah	UTAH CODE § 78A-6-602(2)(e)(i) (authorizing fine up to $250 as condition of nonjudicial adjustment)
Virginia	VA. CODE § 16.1-278.8(A)(8) (authorizing fine up to $500)
Washington	WASH. REV. CODE § 7.68.035(2) (authorizing fines for certain offenses)
West Virginia	W. VA. CODE § 49-4-715(a)(1) (authorizing fine up to $100)
Wisconsin	WIS. STAT. ANN. § 938.34(8) (authorizing fine in an amount not to exceed the maximum that could be imposed on adult convicted of criminal offense, or up to $100 if the violation is applicable only to a person under 18 years of age)
Wyoming	WYO. STAT. ANN. § 14-6-247(a)(vi) (authorizing fine in an amount not to exceed the maximum that could be imposed on adult convicted of criminal offense)

APPENDIX C: PROBATION FEES

Arizona	ARIZ. REV. STAT. ANN. § 8-241(A) (mandating that parent pay not less than $50 per month for supervision)
Arkansas	ARK. CODE § 9-27-330(a)(5) (authorizing assessment of probation fee not to exceed $20 per month)
Colorado	COLO. REV. STAT. ANN. §§ 19-2-925(2)(k), 24-4.2-104 (levying supervision fees against juvenile)
Connecticut	CONN. GEN. STAT. ANN. § 46b-141c (authorizing Judicial Department to require full or partial reimbursement of supervision fees from parents or guardians of child on probation)
Florida	FLA. STAT. ANN. §§ 985.514(2), 985.039 (requiring that court assess supervision fee of $1 per day against parents)
Georgia	GA. CODE ANN. § 15-11-37(b) (authorizing initial court supervision fee of between $10 and $200 and additional monthly fee of between $2 and $30, for which child and parent, guardian, or custodian are jointly and severally liable)
Idaho	IDAHO CODE ANN. § 20-522 (establishing probationary contract that may include term holding parent, guardian, or custodian liable for up to $1,000 if child breaches probation terms)

Illinois	705 ILL. COMP. STAT. 405/5-615(10) (mandating $50 monthly supervision fee assessed against the child)
Indiana	IND. CODE §31-40-2-1(a) (authorizing assessment of initial probation user's fee of between $25 and $100 plus additional monthly fee of between $10 and $25, assessed against parent, guardian, or custodian)
Kansas	KAN. STAT. ANN. § 38-2324(a) (rendering parent liable for probation services)
Kentucky	KY. REV. STAT. ANN. § 610.180 (assessing $500 against parent as surety during probation)
Louisiana	LA. CHILD CODE arts. 897(B)(2)(g), 899(B)(2)(g) (authorizing court to require that child pay a supervision fee between $10 and $100 per month)
Michigan	MICH. COMP. LAWS ANN. §§ 712A.18(1)(b), 712A.18m(1) (requiring that court order juvenile to pay $50 or $68 to cover state costs as condition of probation or supervision)
North Carolina	N.C. GEN. STAT. § 7B-2704(2) (authorizing assessment of probation supervision fee against parents)
Oklahoma	OKLA. STAT. ANN. tit. 10A, § 2-2-503(A)(1) (authorizing $25 monthly fee assessed against child, parent, or guardian)

Oregon	OR. REV. STAT. ANN. §§ 419C.446, 419C.449 (authorizing assessment of supervision fee fixed by the county juvenile department)
Ohio	OHIO REV. CODE ANN. § 2152.02(A)(4)(a) (authorizing court to assess the costs of implementing community control against the child)
Texas	TEX. FAM. CODE § 54.061(a) (authorizing assessment of monthly fee up to $15 against child, parent, or other person)
Washington	WASH. REV. CODE § 13.40.054 (authorizing court to order juvenile to post a probation bond or deposit cash in lieu of bond)

APPENDIX D: INCARCERATION FEES

Alabama	ALA. CODE §§ 12-15-109 (requiring parent who was made party to proceeding pay cost of child's incarceration); 12-15-215(f) (requiring child support payments when child placed in legal custody of agency)
Alaska	ALASKA STAT. ANN. § 47.12.230(a) (requiring child support payment when minor is committed)
Arizona	ARIZ. REV. STAT. ANN. §§ 8-243(B)-(C) (authorizing payments for maintenance of child in juvenile detention facility)
Arkansas	ARK. CODE ANN. § 9-27-330(a)(13) (authorizing cost of detention for juveniles)
Colorado	COLO. REV. STAT. ANN. § 19-2-114(1)(a) (authorizing cost of care when juvenile sentenced to placement outside of home)
Connecticut	CONN. GEN. STAT. ANN. § 46b-130 (requiring reimbursement to state by parents when minor child has been provided with care or supports)
Florida	FLA. STAT. ANN. § 985.514(1) (requiring fees when child placed in detention or other placement)
Georgia	GA. CODE ANN. § 15-11-36(c) (authorizing cost of care when child committed by court)

Hawaii	HAW. REV. STAT. § 571-51 (authorizing cost of care and treatment)
Idaho	IDAHO CODE ANN. § 20-524(1) (authorizing payment for support and treatment of juvenile in custody)
Indiana	IND. CODE. ANN. § 31-40-1-3.8 (authorizing payments by parents for cost of placement of child)
Iowa	IOWA CODE ANN. § 232.141 (authorizing cost of care payments)
Kansas	KAN. STAT. ANN. 38-2315(b) (authorizing court to order reimbursements to county by parents for cost of care)
Kentucky	KY. REV. STAT. ANN. § 610.170 (authorizing child support payments from parents when child is placed in Department of Juvenile Justice custody)
Louisiana	LA. REV. STAT. ANN. 15:910 (authorizing cost of care when child is assigned to secure institution)
Maryland	MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-29 (authorizing child support payments)
Massachusetts	MASS. GEN. LAWS ANN. ch. 119, § 58 (authorizing payments for care and support of child)
Michigan	MICH. COMP. LAWS ANN. § 712A.18(2) (requiring payments reimbursing court for cost of care

	and support of child placed outside home)
Minnesota	MINN. STAT. ANN. § 260B.331 sub. (requiring reimbursement to county for cost of care)
Mississippi	MISS. CODE § 43-21-615(2) (authorizing payments for support of child committed to custody by youth court)
Missouri	MO. ANN. STAT. § 211.134 (authorizing court to order payments to support institutionalized child)
Montana	MONT. CODE § 41-5-1304(3) (authorizing court to assess cost of care, supervision, treatment, and detention for youth)
Nebraska	NEB. REV. STAT. § 43-290 (authorizing court to charge parents when child placed with state agency)
Nevada	NEV. REV. STAT. §§ 62E.210(2); 62B.120 (authorizing court to charge parents when child committed to Division of Child and Family Services)
New Hampshire	N.H. REV. STAT. ANN. § 169-B:40(I)(C) (authorizing payments from parents for placement expenses)
New Mexico	N.M. STAT. ANN. § 32A-2-28(C) (requiring parents to pay costs of child's institutionalization)

North Carolina	N.C. GEN. STAT. ANN. § 7B-2704(1) (authorizing child support payments when child adjudicated delinquent)
North Dakota	N.D. CENT. CODE ANN. § 27-20-49(1)(b) (authorizing payments from parents when child committed to public agency)
Ohio	OHIO REV. CODE ANN. § 2152.20(D) (authorizing court to order reimbursement by child of costs incurred from confinement in detention facility.)
Oregon	OR. REV. STAT. ANN. § 419C.590(1) (authorizing court to order payments toward support of youth offender in the jurisdiction of the court)
Pennsylvania	62 PA. CONS. STAT. ANN. § 704.1. (authorizing court to order payment from parents or other legal guardians for child's placement costs).
South Carolina	S.C. CODE ANN. § 63-19-1680 (authorizing court to order child support payments for detained children)
Texas	TEX. FAM. CODE ANN. § 54.032(e), (g), (h) (authorizing two separate $10 or $20 program fee assessments against children diverted to teen court program)

Tennessee	TENN. CODE ANN. § 37-1-151 (authorizing court to collect child support from parents when child is in state custody)
Texas	TEX. FAM. CODE ANN. § 54.06(a) (authorizing court to collect child support from parents when child placed outside of home)
Vermont	VT. STAT. ANN. tit. 33, § 5116 (authorizing court to collect child support from parents when child placed outside of home)
Virginia	VA. CODE ANN. §§ 16.1-290 (authorizing Department of Social Services to collect child support when child placed in their custody)
Utah	UTAH CODE § 78A-6-1207 (authorizing assessment of fee not to exceed $50 for youth diverted to youth court)
Washington	WASH. REV. CODE ANN. § 13.40.220(1) (authorizing collection of payments from parents or guardians when child is confined)
West Virginia	W. VA. CODE ANN. § 49-4-714(b)(4) (authorizing court to collect child support payments when child placed in custody of government agency)
Wisconsin	WIS. STAT. ANN. § 938.275 (authorizing cost of detention and post-adjudication placement)